

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 05-40006-FDS
HERIBERTO RODRIGUEZ,)	
Defendant,)	
_____)	

STATUS REPORT
October 3, 2005

SWARTWOOD, C.M.J.

The following is a Status Report to Saylor, J. to whom this case is assigned:

1. Appointment of Successor Counsel

New counsel has been appointed to represent Mr. Rodriguez in this case and that counsel has requested time to receive the file from prior counsel and to review all of the discovery produced by the Government in this case. I have granted that request.

2. Further Status Conference

A further status conference shall be held in this case on November 16, 2005, at 2:00 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

3. Excludable Time

At the request of the Government and with the assent of counsel for Mr. Rodriguez, I am excluding from the Speedy Trial Act, the period from September 29, 2005 (date of expiration of prior order of excludable time) through November 16, 2005 (date by which successor counsel for Mr. Rodriguez will have reviewed discovery produced by the Government in this case). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Wednesday, January 25, 2006.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE